

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA) Case No. 23 CR 546
)
v.)
)
ANTHONY MONTGOMERY-WILSON,)
also known as "A.J." and)
"Mike City A.J.," and PRESTON)
POWELL, also known as)
"Marley,") Chicago, Illinois
) August 5, 2024
Defendants.) 9:33 a.m.

TRANSCRIPT OF PROCEEDINGS - STATUS HEARING
BEFORE THE HONORABLE THOMAS M. DURKIN

APPEARANCES:

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1 (Proceedings heard in open court; defendants present:)

2 THE CLERK: This is Case No. 23 CR 546, United States
3 v. Anthony Montgomery-Wilson and Preston Powell.

4 May I please ask the attorney present on behalf of the
5 United States to state their name.

6 MR. JULIEN: Good morning, Your Honor. Jason Julien
7 for the United States.

8 THE CLERK: And on behalf of Mr. Montgomery-Wilson.

9 MR. SPIELFOGEL: Good morning, Your Honor.
10 Keith Spielfogel and Darryl Goldberg on behalf of
11 Mr. Montgomery-Wilson.

12 THE CLERK: And on behalf of Mr. Powell.

13 MS. BLAINE: Good morning, Your Honor. Holly Blaine
14 on behalf of Preston Powell. And I believe that Molly Armour
15 is also present on the phone.

16 THE COURT: Ms. Armour, are you on?

17 All right. She may dial in, but we can proceed
18 without her, I assume. Is that okay?

19 MS. BLAINE: Yes. I have her -- her trial calendar.

20 THE COURT: Okay. Very good.

21 Well, this is a murder case. It was death-penalty
22 eligible. Has the government made a decision on whether
23 they're going to seek the death penalty?

24 MR. JULIEN: We are still working on it, Your Honor,
25 but I think we should proceed as if we are not going to do

1 that. There's one more thing we need to do and then we'll file
2 the -- what we need to file.

3 THE COURT: Okay. And do you expect a superseding
4 indictment in this case?

5 MR. JULIEN: No, Your Honor.

6 THE COURT: How long a trial would it be?

7 MR. JULIEN: I think two weeks is generous.

8 THE COURT: Okay. Does defense agree that it's a
9 two -- I assume it's a jury demand for the defense. Is that
10 correct, Mr. Spielfogel?

11 MR. SPIELFOGEL: That is correct, Your Honor.

12 THE COURT: And Ms. Blaine?

13 MS. BLAINE: That's correct, Your Honor.

14 THE COURT: Okay. And do you agree with the two-week
15 assessment, especially if it's not death-penalty eligible? If
16 it is -- the death penalty has been sought, it's a whole
17 different ball game, but if they're not seeking it, two weeks
18 seem reasonable?

19 MR. SPIELFOGEL: The last trial I did with Mr. Julien,
20 he anticipated it would be, I don't know, six weeks. Wound up
21 being -- what was that? -- 3 1/2 months?

22 MR. JULIEN: Our presentation took exactly six weeks.

23 MR. SPIELFOGEL: Okay. All right.

24 Yes, no, I think two weeks is fine, Your Honor.

25 THE COURT: All right. And Ms. Blaine, do you agree?

1 MS. BLAINE: I think that seems accurate.

2 THE COURT: All right. When will you be ready to try
3 this case? From the government's perspective, let's start with
4 you, then let's talk to the defense, and we'll see when we can
5 get a date.

6 MR. JULIEN: Your Honor, I think we're looking at
7 sometime in 2025. And we had all conferred before this and
8 there's a tentative date that works for anybody. The
9 government's trial calendar is totally free in 2025, but I
10 think, given some conflicts, there may be a date later in 2025.
11 October 14th is what we were looking at. It seemed to work for
12 everyone.

13 THE COURT: October of 2025? A year from this
14 October?

15 MR. JULIEN: Yes, Your Honor.

16 THE COURT: What's the view of defense on that?

17 MR. SPIELFOGEL: We would agree with that date,
18 Your Honor.

19 THE COURT: Ms. Blaine?

20 MS. BLAINE: Your Honor, I can shed a little bit of
21 light on the length of the delay.

22 THE COURT: Yes.

23 MS. BLAINE: Mr. Powell was arrested several months
24 after Mr. Montgomery-Wilson, so we only came into this case in
25 March of this year, so we are playing catch-up from the start.

1 The government was very good in getting us all of the
2 discovery. It's just taking quite some time to get through
3 that discovery on behalf of Mr. Powell.

4 So from our perspective, my trial calendar for the end
5 of this year -- I -- I don't expect all of these trials to go,
6 but between now and the end of this year, I have eight trials
7 on the cal- -- on the books. So -- we also have a material
8 support for terrorism trial in front of Judge Blakey that's
9 scheduled for the end of May, beginning of June next year so I
10 don't think that we would be in a position to try this case
11 until after that terrorism case, which has been delayed
12 multiple times. I believe that's a 2018 case.

13 THE COURT: And that's a set trial date before
14 Judge Blakey?

15 MS. BLAINE: That is a set trial date to start the
16 Tuesday after Memorial Day in front of Judge Blakey.

17 THE COURT: Okay. Mr. Spielfogel, I assume your trial
18 schedule is similarly busy.

19 MR. SPIELFOGEL: It is -- it is not that jammed, but I
20 do have a scheduled set in -- a trial set, I believe it's in
21 May. That'll take a couple weeks.

22 THE COURT: All right. Mr. Goldberg?

23 MR. GOLDBERG: Yeah, Your Honor, I have -- I have
24 multiple obligations between now and the fall. That's why we
25 were eyeing next fall.

1 Also, for what it's worth, there's some additional
2 discovery we're anticipating from the government that -- that's
3 significant, and to be -- it -- it -- it may be relevant to a
4 pretrial motion, which would take some time, and we believe
5 that it's appropriate with the consent of at least
6 Mr. Montgomery-Wilson, we set it for the fall.

7 THE COURT: All right. So -- and I don't need
8 Mr. Montgomery-Wilson to talk, but he's okay with this date?

9 MR. GOLDBERG: Yes.

10 THE COURT: All right. And how about Mr. Powell?

11 MS. BLAINE: Yes, Your Honor. I spoke to Mr. Powell
12 before court.

13 THE COURT: Okay. Well, it's an unusually long date,
14 but if the defendants are okay with it and you all believe you
15 need that time to prepare and to properly represent your
16 clients, then --

17 The government's okay with that?

18 MR. JULIEN: Yes, Your Honor.

19 THE COURT: All right. Is there a motion to exclude
20 time? Well, let's give you a date. What was that date again?
21 October what?

22 MS. BLAINE: 14th.

23 THE COURT: How does that date work, Emily?

24 THE CLERK: That date does work.

25 THE COURT: Is that a Monday?

1 THE CLERK: It's a Tuesday. It's the Tuesday after
2 Columbus Day.

3 THE COURT: Okay. That's fine. We'll do October 14,
4 2025. And is there a motion to exclude time?

5 MR. JULIEN: There is, Your Honor. Are we going to
6 exclude time through that date or will we have a status in
7 between then?

8 THE COURT: Let's exclude time through the trial date,
9 and we'll --

10 MR. JULIEN: I'll move to exclude --

11 THE COURT: -- certainly have a status before that,
12 but if that's the date, we might as well exclude time through
13 it because we have the defendants here. I want to make sure
14 the record's clear that everyone's going to waive any speedy
15 trial requests on the record in the presence of your clients.

16 MR. JULIEN: Understood. Your Honor, then in that
17 case, I'm moving to exclude time through October 14th of next
18 year in the interests of justice to allow a review of pretrial
19 discovery, preparation of pretrial motions, and just generally
20 to trial preparation.

21 THE COURT: All right. On behalf of
22 Mr. Montgomery-Wilson, is there any objection to that?

23 MR. SPIELFOGEL: No, Your Honor.

24 THE COURT: On behalf of Mr. Powell, is there any
25 objection to that?

1 MS. BLAINE: No, Your Honor.

2 THE COURT: All right. I'll enter an excludable time
3 order for those reasons. Time will be excluded through the
4 trial date.

5 When do you think we ought to come back for a status?

6 MR. JULIEN: 60 days.

7 THE COURT: That's fine.

8 Do you want to do that on the phone or do you want
9 your clients in?

10 MR. SPIELFOGEL: I'd ask that our clients be brought
11 in, at least Mr. Montgomery-Wilson.

12 MS. BLAINE: We would ask to go ahead and have an
13 in-person status.

14 THE COURT: All right. Then we will do that in about
15 60 days.

16 Emily.

17 THE CLERK: All right. We could do October 3rd at
18 9:30.

19 THE COURT: All right. And we'll have the defendants
20 brought over. If there's a reason to either accelerate that
21 date or push it back, contact my courtroom deputy. But under
22 either circumstance, we'll make sure the defendants are brought
23 over for that status.

24 MR. GOLDBERG: Your Honor, is it -- is it possible to
25 do the day before, perhaps the 2nd? The 3rd is a religious

1 holiday, for me at least.

2 THE COURT: Oh, sure.

3 THE CLERK: Yes. We could do October 2nd at 9:30
4 instead.

5 THE COURT: Does that work for the government?

6 MR. JULIEN: Works for the government.

7 THE COURT: And defense?

8 MR. SPIELFOGEL: Yes, that's fine, Judge.

9 MS. BLAINE: Yes, work for me.

10 THE COURT: All right. Very good.

11 Ms. Armour, are you on the line?

12 Okay. But you've spoken to her about this trial date?

13 MS. BLAINE: Yes.

14 THE COURT: Very good.

15 Okay. Anything else we ought to discuss today?

16 First, from the government?

17 MR. JULIEN: No, Your Honor.

18 THE COURT: And defense?

19 MR. SPIELFOGEL: No, Your Honor.

20 MR. GOLDBERG: No.

21 MS. BLAINE: Oh, Your Honor, I did have one brief
22 motion. We would ask that we be allowed to file certain
23 defense motions ex parte and in camera for the Court's review.

24 THE COURT: That's fine. These are typically -- well,
25 any objection by the government?

1 They're not going to be -- these are -- I can't -- I
2 can't know until I see them what they are, but I anticipate
3 they are requests for certain funds or certain types of testing
4 that they are allowed to do without you knowing until they get
5 results and then they can reveal.

6 MS. BLAINE: That's correct.

7 THE COURT: If they want to.

8 MS. BLAINE: That's correct, Your Honor.

9 THE COURT: All right. Any objection, Mr. Julien?

10 MR. JULIEN: No, Your Honor.

11 THE COURT: Okay. You -- you have leave to do so.

12 MS. BLAINE: Thank you, Your Honor.

13 THE COURT: All right. Thank you all.

14 MR. JULIEN: Thank you, Judge.

15 MS. BLAINE: Thank you.

16 (Concluded at 9:41 a.m.)

17

18 * * * * *

19 I certify that the foregoing is a correct transcript of
20 the record of proceedings in the above-entitled matter.

21

22 /s/ Elia E. Carrión

30th of May, 2025

23 _____
24 Elia E. Carrión, CSR, RPR, CRR, CRC
25 Official Court Reporter